

## **NH Dredge Management Task Force Meeting Minutes – April 21, 2010**

**The meeting was held on Wednesday, April 21, 2010 from 1:30 PM to 3:00 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 222 International Drive, Suite 175, Pease Tradeport, Portsmouth, NH.**

### **Introductions/Announcements**

Chairman Chris Williams asked members to introduce themselves. The list of attendees follows.

### **Attending members in alphabetical order:**

Jenna Flynn, National Marine Fisheries Service (NMFS)  
Chuck Gilboy, Staff for Congresswoman Shea-Porter  
Olga Guza-Pabst, Environmental Protection Agency (EPA)  
Mark Habel, Army Corps of Engineers (ACOE)  
Richard Heidebrecht, ACOE  
Carol Henderson, NH Fish and Game Department (NHF&G)  
Sarah Holmes, Staff for Senator Shaheen  
Richard Holt Sr., Portsmouth Pilots - Moran Towing Corp.  
Grant Nichols, Pease Development Authority, Division of Ports and Harbors (PDA-DPH)  
Ed O'Donnell, ACOE  
Frank Richardson, Department of Environmental Services, Wetlands Bureau  
Catherine Rogers, ACOE  
Tracy Shattuck, PDA-DPH  
Chris Williams, Chairman, New Hampshire Coastal Program (NHCP)

### **Guests:**

John Carson, Kittery Port Authority/ Kittery Maine  
Angela Repella, ACOE

### **Staff:**

Mary Power, NHCP

Chairman informed members that in the future the draft meeting minutes will be sent electronically along with the draft agenda just prior to each meeting. If members have questions or comments on the draft minutes they can email them to the Chairman or provide comments at the meeting. He then asked if anyone had comments on the minutes from the January 27, 2010 meeting. Hearing none, the minutes were approved.

### **Legislative Update**

Chairman Williams asked staff from the Congressional delegation for a legislative update. Sarah Holmes of Senator Shaheen's office stated that the Senate's Committee on Environment and Public Works has requested a list of priority water resources projects from each Senator for possible inclusion in the next Water Resources Development Act

(WRDA). The deadline for submittal of each Senator's list of projects to the Committee is May 18, 2010. She indicated that WRDA requests should be submitted to Senator Shaheen's Office by May 13<sup>th</sup>. Ms. Holmes then stated that based on documentation provide by the State, Senator Shaheen submitted the following requests for FY 2011 Energy and Water appropriations: 1) Piscataqua River "Simplex Shoal" Maintenance Dredging - \$500,000; 2) Piscataqua River Turning Basin Improvement Study & Design - \$300,000; 3) Hampton Harbor Navigation Improvements - \$1,600,000; and 4) Sagamore Creek Maintenance Dredging - \$150,000.

Chuck Gilboy of Congresswoman Shea-Porter's office stated that House WRDA requests were submitted to Committee some time ago. There has been no response from the Committee regarding specific allocations. He then listed the projects that the Congresswoman submitted for FY 2011 Energy and Water appropriations: 1) Piscataqua River "Simplex Shoal" Maintenance Dredging - \$500,000; 2) Hampton Harbor Navigation Improvements - \$1,600,000; and 3) Upland Dredge Material Disposal Feasibility Study - \$200,000.

Chairman Williams then briefly discussed the State's FY 2011 Energy and Water appropriations requests. He stated that in mid-February he met with staff from the Army Corps of Engineers (ACOE), the Congressional delegation and the Pease Development Authority – Division of Ports and Harbors (PDA-DPH) to identify and prioritize the state's priority projects for funding. The projects for which funding was requested are listed in order of priority as follows: 1) Piscataqua River "Simplex Shoal" Maintenance Dredging - \$500,000 to administer a construction contract and to initiate and complete project construction; 2) Piscataqua River Turning Basin Improvement Study & Design - \$300,000 to initiate the design phase of the project; 3) Hampton Harbor Navigation Improvements - \$1,600,000 for construction of the inner harbor improvements; 4) Sagamore Creek Channels Maintenance Dredging - \$150,000 to complete environmental coordination, finalize the environmental assessment, and complete plans and specifications; and 5) Upland Disposal Site Study - \$200,000 to initiate the feasibility phase of the study. The Chairman thanked the Congressional delegation staff for their assistance in the appropriations process.

### **Project Updates:**

■ ***Cocheco River Maintenance Dredge, including Dredge Windows & Monitoring*** - Ed O'Donnell, ACOE, stated that the ACOE has funding to proceed with negotiations for a contract this summer and for construction this fall. Mike Walsh, the Project Manager at the ACOE, is working with NH Fish and Game Department (NHF&G) to extend the dredging window. Chair stated that discussions between the ACOE and NHF&G are focusing on opening the dredge window early to allow the ACOE to break up ledge and to begin dredging. He stated that he also believes the ACOE is seeking an extension at the end of the dredge window to complete the dredging. The length of the proposed extension at the end of the dredge window would be temperature dependent as has been done in the past.

Carol Henderson of NHF&G stated that the ACOE has requested to begin work one month early on October 15, 2010. Work would begin with 10-days of hoe ramming to break up remaining rock in the channel followed by 18 days of dredging. Ms. Henderson continued by saying that the NHF&G Marine Division is continuing to review potential options for extension of the dredge window, including a temperature dependent extension at the end of the window. Ms. Henderson also indicated that approval from the NH Department of Environmental Services (NHDES) Wetlands Bureau would also be required to modify the dredge window. Ed O'Donnell requested that they work to resolve the issue as soon as possible so that the ACOE can begin the solicitation process. Chairman then asked Frank Richardson of the NHDES Wetlands Bureau about the process for modifying the permit to allow for an extended dredge window. Mr. Richardson stated that the Wetlands Bureau would defer to NHF&G regarding the extension of the dredge window and would amend the permit accordingly, as has been done in the past.

■ ***Hampton Section 107 Feasibility Study Report*** - Richard Heidebrecht of the ACOE stated that based on discussions with the U.S. fish & Wildlife Service, NHF&G, and the NH Division of Parks and Recreation, the proposed locations for beach replenishment have been moved south to coincide with areas that are currently being managed for federally-threatened piping plovers. He reminded members that the majority of the dredge material from the project is proposed to be placed on the beaches at Hampton Beach State Park and in Seabrook for beach replenishment. Mr. Heidebrecht also stated that approximately 1,300 cubic yards of dredge material would be placed at the site of the former Section 227 Project to backfill an area that has eroded.

Mr. Heidebrecht then stated that he continues to work on the Feasibility Study Report. Chairman asked about timing for completion of the report. Mr. Heidebrecht stated that he intends to complete the report in a couple of weeks. Mr. Habel of the ACOE added that once the ACOE's District Office completes the report, it is sent to the ACOE's Division Office in New York for review. Assuming it is approved by the Division Office, the District Office will then seek all federal and state regulatory approvals. Once those are in hand, the report will be finalized and sent to ACOE Headquarters along with the partnership agreement and the letter of commitment from PDA-DPH. Once approved by ACOE Headquarters, the District Office will move forward with project plans and specifications. Discussion followed.

■ ***Sagamore Creek and Portsmouth Back Channels Maintenance Dredge*** - Ed O'Donnell of the ACOE stated that they are currently working on the environmental assessment (EA). When the draft EA is complete the ACOE will begin the federal agency coordination process and request approvals for the state water quality certificate and the coastal zone management federal consistency decision. He reminded members that the proposed project involves dredging approximately 7,500 cubic yards of material and placing it in a feeder berm off the beach at Wallis Sands State Park. Finally, he stated that if the money requested through the aforementioned appropriations process makes it into their budget, the ACOE should be able to begin plans and specifications next year.

■ ***Piscataqua River “Simplex Shoal” Maintenance Dredge*** - Ed O’Donnell of the ACOE stated that ACOE District Office staff have met with ACOE Division Office staff to discuss the advanced maintenance dredging proposal. Mr. O’Donnell stated that approval from the Division Office is required and they hope to receive that approval within the next couple of weeks. Once the District Office receives the approval, they will begin the federal agency coordination process and request approvals for the state water quality certificate and the coastal zone management federal consistency decision. Chairman stated that the latest estimates from the ACOE indicate that approximately 25,000 – 30,000 cubic yards of material will be dredged. Chairman reminded members that this is the state’s #1 priority tidal dredging project.

■ ***Piscataqua River Turning Basin Feasibility Study & Disposal Alternatives*** - Chairman called Todd Burrowes from the Maine Coastal Program, Brian Swan from the Maine Department of Marine Resources and Derek Sowers from the Piscataqua Region Estuaries Partnership to participate in the discussion. Chairman Williams turned the discussion to Mark Habel and Richard Heidebrecht of the ACOE.

Mr. Heidebrecht stated that the ACOE continues to try to identify a practicable disposal option for the material from the proposed widening of the uppermost turning basin in the Piscataqua River. He stated that the ACOE recently discussed with EPA and National Marine Fisheries Service (NMFS) the option of utilizing the former Isles of Shoals dredge material disposal site for a one-time disposal of the material from the project. The ACOE suggested this site after two earlier proposals involving nearshore disposal off Long Sands Beach in York, Maine and off the beach at Wallis Sands State Park in Rye, New Hampshire generated resistance among locals, and after reviewing the high cost of transporting the material to more distant locations for disposal. For example, the ACOE looked at sites in Wells, Maine, Plum Island, Massachusetts and Winthrop, Massachusetts. While the beaches in each of these locations are in need of sand, the increased transportation costs that would be borne by the federal government and the State of New Hampshire to haul the sand to these locations would be significant. For example, the additional cost to dispose of the material off the beach in Wells would be approximately \$5.00 per cubic yard, or about \$4 million, assuming a volume of 720,000 cubic yards of material. Since the distance from the project site to Plum Island (approximately 20 miles) is essentially that same as to Wells, the additional cost to haul the material to Plum Island would be approximately equal to that of Wells. If the material were transported to Winthrop Shores, however, the ACOE estimates that it would cost an additional \$18 per cubic yard, or approx. \$13 million, because of the additional haul distance. Therefore, due to these estimated additional costs, the ACOE is looking at the feasibility of re-opening the dredge material disposal site off the Isles of Shoals.

Mark Habel stated that the ACOE continues to evaluate disposal sites that can accommodate not only the projected 300,000 – 700,000 cubic yards of sand that the project will generate but the estimated 20,000 cubic yards of rock that will also need disposal. The ACOE hopes to find a beneficial use for the material within a 10 mile haul distance from Portsmouth Harbor. If no beaches are identified that can accommodate the sand, the ACOE’s next step is to look at open ocean disposal. Since the former Isles of

Shoals Disposal Site is located at a reasonable distance from the project site, and since the site has been used historically of the disposal of dredge material, the ACOE believes it may be a good disposal option for the turning basin expansion project. He stated that the site was used from the 1950s until the 1970's and that approximately 800,000 to 900,000 cubic yards of material from Portsmouth Harbor was placed at the site. He stated that the ACOE is looking at undertaking the site selection process, pursuant to the Marine Protection Research and Sanctuaries Act (MPRSA), to allow for the one-time use of the Isles of Shoals Disposal Site for the material from the project. In order to proceed with the site selection process, the ACOE needs to compile and assess available data and information on the area, particularly fisheries data and information. Mr. Habel requested members to provide the ACOE with bathymetric, habitat, fisheries, substrate and other data that exists for the area.

Olga Guza-Pabst of EPA stated that if the ACOE chooses to pursue offshore disposal, she would prefer that the site be located in federal waters and that the ACOE undertake the site designation process pursuant to MPRSA in which a site is chosen as a permanent, long-term disposal site, as opposed to selecting the Isles of Shoals Disposal Site (or some other nearby site) as a one-time disposal site for this project. EPA's objective is to look for a disposal site that can meet the region's long-term dredge material disposal needs. These long-term needs would not be addressed by selecting the Isles of Shoals Disposal Site for a one-time disposal. Discussion followed.

Mr. Habel stated that the ACOE is trying to establish a federal base plan for the project that includes disposal within a 10-mile radius of the project. The ACOE cannot provide an accurate total project cost until they have established a base plan. If at the end of the site selection process the ACOE and the States of New Hampshire and Maine determine that it is likely that a site within that 10-mile radius would be permissible, that site would then become part of the base plan. Once a base plan has been established, the ACOE can more accurately determine total project costs and then approach interested communities about using the material. If a community like Wells, Maine or the communities near Plum Island, Massachusetts express an interest in the material, they would incur the additional costs associated with transporting the material beyond the 10-mile radius established in the base plan.

Todd Burrowes of the Maine Coastal Program asked if disposal of the material at Wells or Plum Island, beyond the 10-mile radius, could become the base plan. Mr. Habel stated that given the "clean" nature of the material he doesn't foresee a reason why the ACOE can't identify a disposal site with 10 miles of the project. Mr. Burrowes then asked who makes the finding as to whether the material is "clean" (i.e., environmentally acceptable). Mr. Habel stated that if the disposal site is located outside of the territorial sea, the decision would be EPA's with the assistance of NMFS. If the site is located inside the territorial sea, the decision would be made by a combination of federal and state agencies. He continued by stating that if the site is located inside the territorial sea it would require a Water Quality Certification from the state. Such certification would not be required for a site located outside of the territorial sea. Discussion followed.

John Carson, Kittery, Maine Port Authority, stated that Kittery is considering using the blasted rock from the project for wave attenuation reefs around Pepperell Cove. The Town has also discussed the potential use of the sandy material for beach replenishment at Crescent Beach, Sea Point Beach and possibly Fort Foster. He reiterated that the Town is very interested in the rock but is still discussing the potential use of the sand. Mr. Habel asked Mr. Carson if the Town of Kittery had determined how much sand they would need to replenish the aforementioned beaches. Mr. Carson was uncertain as to the overall amount of sand needed. Mr. Habel then asked if the Town has talked with the State's resource agencies. Mr. Carson stated that the Town is not yet at that point of contacting the State. He stated that the Town will ultimately look to the ACOE for guidance as to how to proceed. Mr. Habel stated that the Town would have to get all necessary state and federal approvals in order to use the material. He also suggested that the Town meet with the appropriate state and federal resource agencies, including the Maine State Planning Office (Coastal Program), the Maine Department of Environmental Protection (DEP), the Maine Department of Marine Resources (DMR), EPA, NMFS and the ACOE. Mr. Habel suggested that the Town schedule such a meeting as soon as possible. Mr. Carson stated that he will encourage the Town to take steps to organize the meeting. Todd Burrowes of the Maine Coastal Program informed Mr. Carson that Bob Green is the contact person at Maine DEP. Discussion followed.

Jenna Flynn, NMFS, stated that the area around the Isles of Shoals site is an important fishery habitat area. Brian Swan, Maine DMR, stated that the Isles of Shoals are actively fished and surveys indicate that the area is very productive. He also added that whales, including the endangered Right Whale, use Jeffery's Ledge so it is not an ideal site for disposal of dredge materials. Mr. Habel asked Mr. Swan if he has any information on the area of federal waters between the Isles of Shoals and Boon Island. Mr. Swan stated that he see if Maine DMR has any information on this area. Carol Henderson of NHF&G echoed the concerns raised by Maine DMR. She stated that the area around the Isles of Shoals is used heavily for commercial lobstering and recreational fishing. Discussion followed.

Chairman then stated that it appears that that the majority of the historic Isles of Shoals disposal site is located in Maine waters. He stated that he'd research references in the state statute regarding the location of NH's offshore boundary with Maine. The location of the offshore boundary and the location of the disposal site in relation to that boundary will be important as discussions about the site proceed. Discussion followed.

Carol Henderson of NHF&G then asked if any progress has been made regarding the potential upland disposal site in Newington. Mr. Habel stated that there is an upland site that could be used as a transfer site (because the site is not big enough to accommodate all of the material from the project) but the handling costs would be prohibitive. Discussion followed regarding the potential use of a site under the approach to the I-95 Bridge on the Maine side of the Piscataqua River. It was suggested that the site could be used for storage of the material if a dyke was built and a dock and pads for the heavy equipment were constructed. Mr. Habel stated that the ACOE will discuss the use of this site with the Maine Department of Transportation and other agencies. Chairman asked if

the town of Kittery were to use all the sand and rock or if some were used under the I-95 bridge, would that become the base plan. Habel stated that it would.

Mr. Habel then stated that the ACOE, at the request of the Maine and Massachusetts Congressional delegation, will set up a meeting with resource agency staff from New Hampshire, Maine and Massachusetts to try to determine what beaches are in need of sand, whether the states can agree upon equitable use of the sand, if non-ACOE funding is available.

Ms. Guza-Pabst of EPA encouraged members to submit resource data and information about the aforementioned offshore areas around the Isles of Shoals to the ACOE. Carol Henderson of NHF&G confirmed that the ACOE is looking for information from the states regarding fisheries in those areas and their importance to the states. Mr. Habel added that the states may also want to ask for information that they'd like to see developed should an offshore site be selected. Mr. Habel continued by explaining how the dredge material disposal sites are chosen and approved (or not approved). Ms. Guza-Pabst emphasized the importance of finding a disposal site located outside of state waters. Discussion followed.

#### **Other Business:**

■ ***Review of April 16<sup>th</sup> New England Regional Dredging Team Meeting*** - Chairman Williams spoke briefly about his recent attendance at the Regional Dredging Team (a.k.a. Sudbury Group) meeting in Sudbury, Massachusetts. He stated that dredge windows/time of year restrictions continue to be a primary topic at the regional level. The Massachusetts Division of Marine Fisheries is scheduled to release Phase II of its Time of Year Restrictions document any day and the Maine Department of Marine Resources has drafted a Time of Year Restrictions document. He stated that New Hampshire is in the preliminary stages of developing dredge windows guidance document.

■ ***Schedule Next Meeting*** - Chairman scheduled the next meeting for **September 15, 2010** at 1:30 at the NHDES-Coastal Program Office, 222 International Drive, Suite 175, Portsmouth.